

1906-039 Chancery Causes: A. J. Powell vs. Betty Powell  
Lee Co.

Gilbert, Oaks, Shuffelbarger, Burgan, Kinser

CA-Divorce

T-Vices

Migration



To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee  
County,Virginia:

Humbly complaining your orator,A.J.Powell,would respectfully show unto the court that he is now and has been a citizen of this county and state for more than one year next preceding the institution of this suit;that on the \_\_\_\_ day of \_\_\_\_\_ 190\_\_\_\_,he was married to one Betty Gilbert now Betty Powell;that they lived hapily together as man and wife until some time about the first of August 1906, when he became convinced that his said wife was untrue to him,and he here alleges and charges that his said wife,without his connivance or consent,committed adultery with one John Oaks,and others whose names is now not known to your orator,at Ocoonita, Lee County Virginia,on the \_\_\_\_ day of July,1906,and at various times since at that and other places in said county,and in Harlan County,Ky; that your orator has not condoned said offence or adultery,and that he has not since he learned of said adultery cohabited with his said wife.

Being remediless,therefore,save in a court of equity,his prayer is that the said Betty Powell be made party defendant to this bill,and that she be required to answer the same,but not on oath,~~the~~ that being waived,that proper process issue,and order of publication be made,said defendant now not being a resident of this state,that upon a final hearing a decree be entered dissolving the bonds of matrimony now existing between your orator and the said Betty Powell,and that such other and further relief be granted your orator as in the premises be right and just,and he will ever pray etc.

\_\_\_\_\_  
J.B. Noel P.9



Costs:

Clerk	\$5.51
Tax	1.50
atty	15.00
Printer	5.80
Comer	3.00
	<hr/>
	\$30.81
Shff.	.80
	<hr/>
	\$31.61

A. J. Powell  
vs { Bill in Chanc.

Betty Powell.

Filed Aug. 15, 1906.

H. C. T. Ewing,  
Clerk.

1906. 2<sup>nd</sup> Aug Rules  
Bill filed, Spa  
not executed &  
Contd. for O.P.  
" 1<sup>st</sup> Sept Rules  
Contd. for O.P.  
" 2<sup>nd</sup> Sept Rules  
" O.P. completed &  
cause set for  
hearing.

1900 to 10



A. J. Powell }  
vs } in chancery.  
Betty Powell }

This cause came on this day to be finally heard upon the plaintiff's bill and the depositions of witnesses the defendant having neither appeared to answer or demur, though she has been duly summoned by order of publication properly matured, it is therefore adjudged ordered and decreed that the bonds of matrimony heretofore contracted between the plaintiff and the defendant, be and the same is hereby dissolved and annulled, and that the plaintiff recover his costs. And this cause is stricken from the docket.



A. J. Powell  
as } for attorney  
Betty Powell  
Devere Fernald.

Entered in C.B.  
#8, page 230.

Enter this decree  
This Dec. 10, 1906.  
J. A. Wilson  
Judge.



The depositions of J. B. Shuffelbarger  
J. M. Oaks, Milton Burman & Andrew Parnell.

taken at the law office of James W. Orr  
in the town of Jamesville Va, on the 17th day of September, 1906, to be read as  
evidence on behalf of Andrew Parnell  
in a certain suit in chancery pending  
in the Circuit Court of Lee County Va,  
in which he is plaintiff and Bettie Parnell  
is defendant.

Present. J. C. Neil, atty for Plaintiff

Q. What is your age, residence and occupation?  
Ans. 36, Occoita, Defat agent.

Q. Are you acquainted with the parties  
to this suit.

Ans. I am, for a year, they lived at Occo-  
nita a part of that time.

Q. 3. Do you know of any acts of adultery  
or improper conduct upon the part of  
defendant, at or near Occoita, within  
the last five years or else where.

Ans. I do not, of my own knowledge, the  
reputation of the deft in that neighborhood  
was that of a good woman, but I only  
know what I have heard others say.

In her trading at the store, she seemed to be  
rather forward, and her talk, and impressed  
me unfavorably as to her virtue.



And further this defendant saith not.

J. B. Shuffelbarger.

J. M. Oaks another witness of lawful age and being duly sworn deposes as follows.

Q. 1. Your age, residence and occupation.

Ans. 34, Coanito Va. Section Foreman on L. & N. R.R.

Q. 2. Are you acquainted with the parties to this - <sup>trial</sup> ~~case~~.

Ans. I am, for a year or two.

Q. 3. Do you know of any acts of adultery by the defendant during that time?

Ans. I do not.

Q. 4. Do you know of any improper acts upon her part indicating that she was that kind of woman.

Ans. I only know that she was a kind of forward woman, free to talk, and her reputation was bad for chastity. I at one time and while she lived at Coanito, was told by Will Burgan that there was a letter addressed to me in the end of a drinking pipe along the Rail Road and I went and got it, it was addressed to me or to "John". I read the letter or glanced over it, not very carefully, and handed it to Will Burgan and told him to read it and he did, but



not out, There was no name signed to the letter, but I believed it was from the defendant, and there was something said about leaving the country but I paid so little attention to it, I can not state its contents. Her manner and talk has been such as to indicate that she was a kind woman, and from her actions I have sometimes thought that she wanted me to know that her husband was away from home.

And further this deponent saith not.

J. M. Oaks

Milton Burman, another witness of lawful age and being duly sworn deposes and says,

- Q. 1. Your age, residence and occupation?
- Ans. 25 years, Acasmita Va, Work on Section.
- Q. 2. Are you acquainted with the parties to this suit.
- Ans. I am. Plff 3 or 4 years, Bettie 6 or 8 yrs.
- Q. 3. Do you know of any acts of adultery by deft, If so when & where.
- Ans. I do not know of any, Her reputation was that of a lewd woman, and she was



rather forward in her talk and manner,  
along about July or August last, she and plain-  
tiff had some trouble in regard to another man  
coming there, and next morning she told me  
to tell John Oaks there would be a letter  
for him in the mouth of a drain pipe  
along the R. R. and I told him and he got  
a letter and showed it to me and he read  
it in my hearing. I saw no name to the  
letter & I can not say who it was ad-  
dressed to, she said something in the letter  
about giving up one of the children over  
him and if necessary she would give up  
the others, that he had caused her to take  
abuse from Andrew, and that she would  
die for him or something of the kind.

John Oaks one morning asked me to go and  
hunt for his pocket book and told me to  
look about a ditch or gully not very far  
from Andrew Parnell's house. I went  
and found the pocket book about where  
he said to look. Andrew told me he  
had run a man away from his house  
the night before.

And further this deponent saith not.  
Milton Burgeon



Lizzie Kinser. a witness of lawful age and being duly sworn deposes & says.

Q. 1. Your age & residence.

A. 33 years, Acornito Va.

Q. 2. Are you acquainted with the parties to this suit.

A. I am not acquainted with Andrew Pamell, and have only seen the defendant twice.

Q. 3. Did you or not read a letter addressed to John Oaks.

A. I did read a letter a month or so ago, but did <sup>not</sup> notice who it was addressed to, and no name was signed to the letter, Mrs Oaks, the wife of John Oaks, had the letter and envelope. I do not remember much of the contents but do remember that whoever wrote it said they would rather loose their life than to give him, the one addressed, up, and they, the writer, wanted him to go with them to St Charles, up in the Pocket. Something was said about giving up one child, I do not know what Mrs Oaks done with the letter.

And further this defendant saith nat.

Lizzie Kinser.

Andrew Pamell another witness of lawful age and being duly sworn deposes as follows.



(6)  
I am the plaintiff in this suit and live in  
this County and have for two years.

I and defendant were married in Hardan Co.  
Ky, in April 13<sup>th</sup> 1902, we separated Aug 4<sup>th</sup> 1906.  
after I became satisfied that my wife had  
been guilty of adultery in this County near  
Ocoanuta, with John Oaks, we last lived and  
cohabited together in this County,

On July 28<sup>th</sup> I came home after night and  
he was in my house and as I came in he  
ran out and left his hat, I received word  
from John Oaks that he would give me  
twenty five dollars for his hat if I would  
say nothing about the matter, and I told Mr  
J. B. Shufflechenger the bearer of the message  
to tell him he could have his hat and he  
came in a night or two and got his hat.  
A few nights after this I came home one  
night when my wife was not expecting  
me to come and John Oaks was there and  
he and my wife were standing on the porch  
close together and he had his arms around  
her waist, and when they saw me he ran  
and lost his pocket book, I talked to my wife  
about there conduct and became convinced  
that she and Oaks were guilty of adultery  
and I had nothing more to do with her.



and in about three days she left and went  
to her father's in Ky. After this last night  
occurrence <sup>the day she left for Ky.</sup> I heard of the letter that should  
have been found in the drain pipe.

I asked my wife what she and Oaks were  
talking about that last night and she said  
he wanted her to leave the country with him.  
My wife has two children, one, two and or  
half years old, Calvin, and the other 8 mos  
old named Ray Snell, I want the custody  
of these children as they are my children  
and I do not think she is a fit person to  
raise them. I have not lived or cohabited  
with my said wife, as husband & wife  
since the last night I caught her and  
Oaks together, which was Aug' 1st 1906.  
And further this deponent saith not.

Andrew  
Pawell

The foregoing depositions of J. B. Shuffleharger,  
J. M. Oaks, Milton Borgan & Andrew Pawell  
were taken subscribed and sworn to before  
me at the time and place and for the  
purposes in the caption mentioned.

Given under my hand Sept 7<sup>th</sup> 1906.

James W. Orr, Comm'r.  
in Chancery Sec Cir Ct.



Andrew Pennell.

vs. { Defect

Bettie Pennell

Filed Sept 17<sup>th</sup> 1906.

W. C. P. Ewing,

Clk.



In the Clerk's Office of the Circuit Court of the county of Lee, on the 15<sup>th</sup>  
day of August, 1906,

A. J. Powell,

against

Plaintiff

In Chancery

Betty Powell,

Defendant

The object of this suit is to obtain a decree of divorce dissolv-  
ing the bonds of matrimony now existing  
between the plaintiff and defendant.

And an affidavit having been made and filed that the defendant

Betty Powell is

a not resident of the State of Virginia, it is ordered that she do appear here within fifteen days  
after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is  
further ordered that a copy hereof be published once a week for four weeks in the Jonesville  
Star and that a copy be posted at the front door of the Courthouse of this county as prescribed  
by law.

A copy—Teste:

J. C. Noel,

p. q.

H. C. Ewing,  
By M. E. H. H. H., D.C.,

Clerk.



A. J. Powell

vs.

ORDER OF  
PUBLICATION

Betty Powell,

Virginia, Lee County, to-wit:  
I, H. C. S. Ewing, clerk of  
the Circuit Court for the  
County aforesaid, in the  
State of Virginia, do cer-  
tify that I posted a true  
copy of the within order  
of publication at the front  
door of the Court-house  
of this County on this  
day.

Given under my hand,  
this Aug. 15, 1906.

H. C. S. Ewing, clerk.



In the Clerk's Office of the Circuit Court of the County of  
Lee

A. J. Powell

Plaintiff ,

against

Betty Powell

Defendant .

This day J. L. Noel personally appeared  
before me M. E. Flannery Deputy Clerk of the said Court,  
and being duly sworn, made oath that Betty Powell

defendant in the said suit is not <sup>a</sup> resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 14 day of Aug 1906.

M. E. Flannery, D. Clerk



*A. J. Powell*

vs. }

AFFIDAVIT FOR ORDER  
OF  
PUBLICATION.

*Betty Powell*

*J. C. Nard,* p. q.



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*Betty Powell*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on  
the *30<sup>th</sup>* Monday in *August*, 190*6*, to answer a bill in chancery exhibited against *her*  
*by A. J. Powell,*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *15<sup>th</sup>*  
day of *August*, 190*6* and 1 *31<sup>st</sup>* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing,* Clerk.

\_\_\_\_\_, Clerk.



A. J. Powell

VS

}

SUBPENA  
IN  
CHANCERY.

Betty Powell,

J. C. Kord - p. q

To 2<sup>nd</sup> August Rules.

Lee Circuit Court.

1906



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting

WE COMMAND YOU THAT YOU SUMMON

*John Oaks, J. B. Shuffler, barger*  
*and Mrs. Cal Kaiser, and Milt Burger.*

*at the law office of James W. Orr in Louisa Va*  
to appear before the Judge of our Circuit Court of the County of Lee, at the court-house thereof, on the *17<sup>th</sup>*  
day of *September*, 190*6*, to testify and the truth to say in behalf of the

*Plaintiff*, in a certain matter of controversy in our said court before the  
said Judge depending and undetermined between

*Andrew Powell,*

Plaintiff, and

*Betty Powell,*

Defendants

And this

*They*

shall in no wise omit, under the penalty of £100. And have then there this writ.

Witness, H. C. T. EWING, Clerk of our said court, at the court-house the *14<sup>th</sup>* day of

*September*, 190*6*, and in the *31<sup>st</sup>* year of the Commonwealth.

*H. C. T. Ewing, Clerk.*



Andrew Powell,

vs.

} SUBPOENA  
FOR  
WITNESS

Betty Powell.

L. W. Orr's office, Court,  
the 17 day of Sept.

1906.  
Executed at the within  
supernatural in full  
the 15 day of  
Sept 1906  
M B Short & S

Fee paid by Ref.



# Order of Publication.

In the Clerk's Office of the Circuit Court  
of the county of Lee, on the 15th  
day of August, 1906.

A. J. POWELL, Plaintiff.

against

BETTIE POWELL, Defendant

In Chancery.

The object of this suit is to obtain a decree of divorce dissolving the bonds of matrimony now existing between the plaintiff and defendant. And an affidavit having been made and filed that the defendant Bettie Powell is not a resident of the State of Virginia, it is ordered that she do appear here within fifteen days after due publication hereof, and do what may be necessary to protect her interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star and that a copy be posted at the front door of the Court-house of this county as prescribed by law.

A copy—Teste:

H. C. T. EWING, Clerk.

By M. E. FLANARY, D. C.

J. C. NOEL, p. q.

150



U  
A. J. Powell

vs { In Chancery

Bettie Powell

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I, J. C. Boatright, editor  
of The Jonesville Star, a weekly newspaper  
published in the county of Lee, state of Virginia,  
do hereby certify that the enclosed notice was  
published in said paper once a week for four  
successive weeks, commencing on the 23rd  
day of August 1906.

J. C. Boatright, Editor.

FEE \$ 5.80